

ZB# 74-2

Benjamin Harris

(no SBL given)

Harris, Benjamin #74-2

Public Hearing

Feb. 11, 1972

8 p.m.

All fees paid

① Notify County ✓

② Notify P.B. - n.w. ✓

File

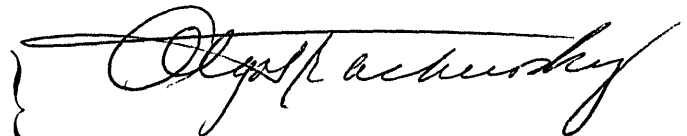
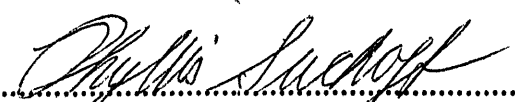
Fee sent to J.T. - 2/24/74

PUBLIC NOTICE OF HEARING
BEFORE
THE ZONING BOARD OF AP-
PEALS
PLEASE TAKE NOTICE that the
Zoning Board of Appeals of the
Town of New Windsor, New York
will hold a public hearing pursuant
to Section 48-33 A of the Zoning
Ordinance on the following proposi-
tion:
Appeal No. 74-2
Request of Benjamin Harris for
a Variance of the regulations of
the Zoning Ordinance to permit
construction of a 7,400 square foot
building with insufficient parking
being a Variance of Article IV,
Section 48-14, for property owned
by him situated as follows: on
the east side of Route 9W, 150
feet south of Union Ave. and known
as 1881 Route 9W
SAID HEARING will take place
on the 11th day of February, 1974,
at the New Windsor Town Hall,
555 Union Avenue, New Windsor,
N.Y. beginning at 8 o'clock P.M.
FRED WYGANT
Chairman
By: Patricia Delo, Secy.
Jan. 31,

State of New York
County of Orange, ss:

Olga Trachewsky , being duly sworn deposes and
she Principal Clerk
says that he is of Newburgh-
Beacon News Co., Inc., Publisher of The Evening News,
a daily newspaper published and of general circulation in
the Counties of Orange and Dutchess, and that the notice
of which the annexed is a true copy was published
One Time
.....
in said newspaper, commencing on the.....31st
JanuaryA.D., 19 74 , and ending on
the31st
day of January A.D., 19 74

Subscribed and sworn to before me this
.....31st
day of 19 74


.....


Notary Public of the State of New York, County of Orange.
MY COMMISSION EXPIRES MARCH 30, 1975

Adopted 12/20/65

APPLICATION FOR VARIANCE

Application No. 74-2
Date: _____

TO THE ZONING BOARD OF APPEALS OF THE TOWN OF NEW WINDSOR, NEW YORK

I (We) Benjamin Harris of P.O. Box 2552
(Street & Number)
Newburgh New York HEREBY MAKE
(State)

APPLICATION FOR A VARIANCE:

- A. Location of the Property 188 Route 9-W L B
(Street & Number) (Zone)
- B. Provision of the Zoning Ordinance Applicable: (Indicate the article, section, sub-section and paragraph of the Zoning Ordinance applicable, by number. Do not quote the ordinance.) Article IV Section 48 14 Subsection C
- C. NOTE: NECESSARY FINDINGS: Before any Variance is granted, the Zoning Board of Appeals must find all of the following conditions to be present:
1. Conditions and circumstances are unique to the applicant's land, structure or building and do not apply to the neighboring lands, structures or buildings in the same zone because: None of the buildings in the area which surrounds the proposed new building are required to provide the same amount of parking, and the adjacent building has an excess of parking space, even though it does not provide the required parking.
 2. Strict application of the provisions of this ordinance would deprive the applicant of a reasonable use of the land, structure or building in a manner equivalent to the use permitted to be made by other owners of their neighboring lands, structures or buildings in the same zone because: adjacent buildings although not in compliance with the zoning ordinance have adequate parking, and strict interpretation of the zoning ordinance would require the owner to provide vast amounts of land dedicated to parking and make the building so small as not to be economically feasible.
 3. The unique conditions and circumstances are not the result of actions taken of the applicant subsequent to the adoption of the Ordinance because: the land with its restrictive boundaries and topography has not been changed since the zoning ordinance went into effect.

4. Relief, if approved, will not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance because: the requirements of the zoning ordinance are admittedly excessive, and the parking provided would be in excess of that provided by neighboring buildings.
5. Relief, if approved, will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zone because: the parking provided would be in excess of that provided by neighboring buildings, so no special privilege would be received by the applicant.

D. Describe in detail how the property is to be used and submit plans or sketches in duplicate.

Erection of a 7400 square foot building with basement adjacent to one existing 6000 square foot building on a 46,600 sq. ft. piece of property.

- E. Application to be accompanied by two checks, one payable to the Town of New Windsor in the amount decided by the Board and the second check payable to the Secretary for taking the public hearing minutes. Applications to be returned to: Secretary of ZBA.
- F. NOTICE OF HEARING: Applicant agrees to send notice of any public hearing via registered or certified mail to all abutting land owners as required by Sec. 9.4.1. of the Ordinance.
- G. If the property in question is located within a radius of 500 ft. of an adjoining municipality, the Board should be notified. Also, have your attorney check Sec. 239 I&M of the Gen. Municipal Law to see if it applies. If so, notify the Orange County Planning Board by sending them an application.

Dated January 28 1974

[Signature]
Signature of Applicant

STATE OF NEW YORK) SS.:
COUNTY OF ORANGE)

Sworn to on this 28 day of January, 1974.

Kathryn F. West

(Notary Public)

KATHRYN F. WEST
Notary Public, State of New York
Qualified in Orange County
Term expires Mar. 30, 1975

P.O. Box 2552, New Windsor, NY
Address

562-3800
Telephone Number

(DO NOT WRITE IN THIS SPACE)

Application No. 74-2
Date of Hearing 2/11/74
Date of Decision 2/11/74

Date Received _____
Notice Published _____

DECISION: Approved.

BENJAMIN HARRIS REALTY, INC.

INDUSTRIAL - COMMERCIAL



MORTGAGES - MANAGEMENT - LEASES

200 Route 9W, New Windsor, N Y 12550
one mile South of Newburgh

Telephone 914 - 562-3800

February 6, 1974

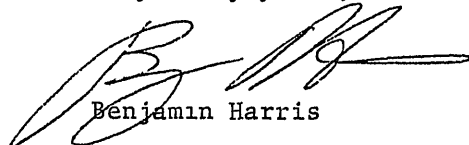
Mr. Thomas Markowski
Orange County Planning Dept.
County Building
Goshen, New York, 10924

Gentlemen:

In reference to the plans submitted for 188 Route 9W, I feel that if the buildings are limited to no more than 50% finished retail space, it will conform to the necessary parking, or at least will be close enough to have a variance granted.

Thank you in advance for your cooperation, and I hope that your answer is received in time for the February 11 evening meeting.

Very truly yours,



Benjamin Harris

BH/mf

PUBLIC NOTICE OF HEARING BEFORE
THE ZONING BOARD OF APPEALS

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the
Town of New Windsor, New York will hold a public hearing pursuant
to Section 48-33 A of the Zoning Ordinance on the following proposition:

Appeal No. 74-2

Request of Benjamin Harris for a

Variance ~~Conditional Use Permit~~ of the regulations of

the Zoning Ordinance, to permit construction of a
(describe proposal)

7400 square foot building with insufficient parking

being a Variance ~~Conditional Use Permit~~ of Article IV,

Section 48.14, for property owned by him situated

as follows: on the east side of Route 9W, 150 feet

south of Union Ave. and known as 188 Route 9W.

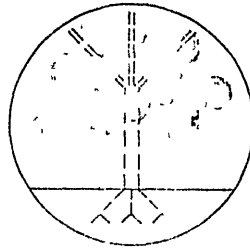
SAID HEARING will take place on the 11th day of February, 19 74,

at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N. Y.

beginning at 8:00 o'clock P. M.

Fred Wygant
Chairman

Department of Planning



County of Orange

Peter Gamm, AIP, Commissioner
Edwin J. Gamm, AIP, Deputy Commissioner
Our Office Hours: 9:30 AM - 5:00 PM

The County Building
Goshen, New York 10924
(914) 274-5151

Thomas V. Mills, County Executive

October 18, 1973

Mr. Fred Wygant, Chairman
Town of New Windsor Zoning Board of Appeals
c/o Mrs. Patricia Delio, Secretary
7 Franklin Avenue
New Windsor, New York 12550

RE: Variance of Benjamin Harris

Dear Mr. Wygant:

In accordance with the General Municipal Law, Sections 239 1 and 2, we are forwarding to you our review of the above application.

1. Utilizing the proposed site to its capacity, the applicant must use both stories of the existing and proposed buildings. If this will be the case, a total of 29,400 square feet will be in issue. Bearing in mind the Town's Zoning requirements, the total amount of parking space would seem to be approximately 196 berths. The applicant provides for 74 or 37% of the required number of parking spaces.

2. We are cognizant of the fact that the existing building housing two stores, does not generate much traffic. In the absence of knowing what type of establishment the future building will house, the standard according to Town Law must prevail. It should also be noted that both buildings may change establishments from time to time.

3. As the site plan stands now, there are parking spaces placed in precarious positions. On the north side of the site, berths are placed adjacent to points of access and egress. There are also berths placed in front of an existing garage door. There is reason to doubt whether these spaces can truly be effective as parking spaces.


4. We are aware that the Town's Zoning Board of Appeals is knowledgeable of the fact that the existing building presents no parking problem. Because of this, there are alternatives that the applicant may pursue in a future application. The applicant can elect to diminish the floor area of his proposed building. He can elect to limit

November 18, 1973

the intensity of use of his buildings by utilizing one floor as retail space. He can juxtapose the above two alternatives to suit both his and the Town's criteria. In any case, he will have to close the gap between retail space and needed parking spaces.

In summary, we deny approval of the application as it now stands. If the applicant wishes to resubmit another site plan, we will also review it on its own merits.

Very truly yours,


Peter Garrison
Commissioner of Planning

PG/as

Reviewed by: Thomas E. Markowski
Planner

Cc: J. Tallarico, Chairman Planning Board

2/11/74 - Public Hearing

Benjamin Harris

Names

Addresses

John Guillotin

356 WINDSOR Hwy

Emilio Porella

410 Bloomingdale Tpk.

J. Ferrarides

Margaret Clark Union Ave N W

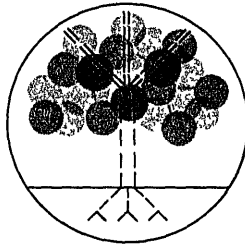
Mrs. Carl Morse 12 " " "

Mr. John E. Morse 16 Union Ave N W

Mrs. John E. Morse 16 Union Ave N W

Department of Planning

Peter Garrison, A I P , Commissioner
Edwin J Garling, A I P , Deputy Commissioner



The County Building
Goshen, New York 10924
(914) 294-5151

County of Orange

Louis V Mills, County Executive

February 6, 1974

Mr. Fred Wygant, Chairman
Town of New Windsor Zoning Board of Appeals
c/o Ms. Patricia Delio
7 Franklin Avenue
New Windsor, New York 12550

Re: Variance of Benjamin Harris
NWT-73-34M

Dear Mr. Wygant:

We have received the above mentioned applicant's revised site plan dated January 25, 1974. We have reviewed the application for a variance under the provisions of the General Municipal Law, Section 239 l and m. Our comments are as follows:

Enclosed is a letter from the applicant stating that he intends to limit the retail use of his buildings to 50%. A total of 13,400 square feet will thereby be utilized for retail purposes. This requires 88 parking spaces. The applicant provides 91. Our approval is granted contingent upon the Planning Board's review of the site plan as provided for in Section 48-34 of the Town's Zoning Ordinance.

Furthermore, we suggest that the applicant use his northern points of access as exits and his southern ones as entrances. We suggest that those points of access that abut Route 9W be angled to afford ease of entering and exiting the site. Finally, the existing sign located in the middle of the proposed parking area should be removed if it restricts vehicular movement.

Very truly yours

Peter Garrison
Peter Garrison
Commissioner of Planning

hc

Reviewed by: Thomas Markowski
Planner

cc: Mr. Joseph Loscalzo



1763

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Chairman
Ellsworth E. Weyant
555 Union Avenue
New Windsor, New York 12550
(914) 565-8808

September 18, 1973

23
Mr. Gregory Shaw
177 Liberty Street
Newburgh, New York 12550

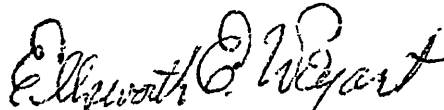
RE: Benjamin Harris Property
Route 9W New Windsor, New York
Parking Variance

Dear Mr. Shaw:

According to my records, the attached list of property owners are within the five hundred (500) feet of the above mentioned property.

The charge for this service is \$15.00. Please remit same to the Town Clerk, Town of New Windsor.

Very truly yours,


ELLSWORTH E. WEYANT
Sole Assessor
Town of New Windsor

EEW/pk
att.



1763

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Chairman
Ellsworth E. Weyant
555 Union Avenue
New Windsor, New York 12550
(914) 565-8808

Russo, Samuel & Estelle
Route 9W MD#26
New Windsor, New York 12550

Kellyhouse, Walter
37 Bank Street
Walden, New York 12586

Moran, John T. & Elizabeth A.
14 St. Joseph Place
New Windsor, New York 12550

Evans, Calvin Y. & Virginia N.
1 Valleyview Drive
New Windsor, New York 12550

Callan, George R. & Evelyn M.
3 Valley View Drive
New Windsor, New York 12550

Bedetti, Frank A. & Mary D.
5 Valley View Drive
New Windsor, New York 12550

Kanaje Corp.
323 North Main Street
Spring Valley New York

Fischer, Ruth E.
1 Blooming Grove Turnpike
New Windsor, New York 12550

Dittbrenner, Frank H. & Eileen M.
16 Old Route 9W
New Windsor, New York 12550

Moerman, Richard
C/O Fontes Motor Court
Route 9W
New Windsor, New York 12550

Roth, Virginia
C/O Westinghouse Electric Corp.
502 River Road North
New Windsor, New York 12550

Vestrymen of St. Thomas Church
188 River Road
New Windsor, New York 12550

Respectfully submitted,

ELLSWORTH E. WEYANT
Sole Assessor
Town of New Windsor



1763

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Chairman
Ellsworth E. Weyant
555 Union Avenue
New Windsor, New York 12550
(914) 565-8808

Clark, Margaret M.
8 Union Avenue
New Windsor, New York 12550

Morse, Earl & Alice
12 Union Avenue
New Windsor, New York 12550

Morse, John V. & Joan A.
16 Union Avenue
New Windsor, New York 12550

Olympia, Peter M.
16 Russel Road
Newburgh, New York 12550

St. Joseph's Church
6 St. Joseph Place
New Windsor, New York 12550

McGorman, Eileen
10 St. Joseph Place
New Windsor, New York 12550

Kissel, Joseph K. & Kathleen
9 St. Joseph Place
New Windsor, New York 12550

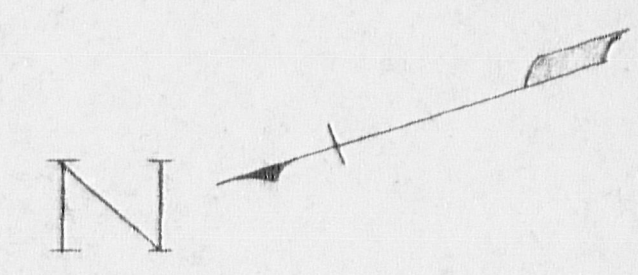
Nugent, James E. Jr. & Kathleen
11 St. Joseph Place
New Windsor, New York 12550

Librizzi, James A. & Dorothy V.
15 St. Joseph Place
New Windsor, New York 12550

Bambino, Carmine J. & Lucia
17 St. Joseph Place
New Windsor, New York 12550

Weyant, Ellsworth E. & Georgina
23 Clintonwood Drive
New Windsor, New York 12550

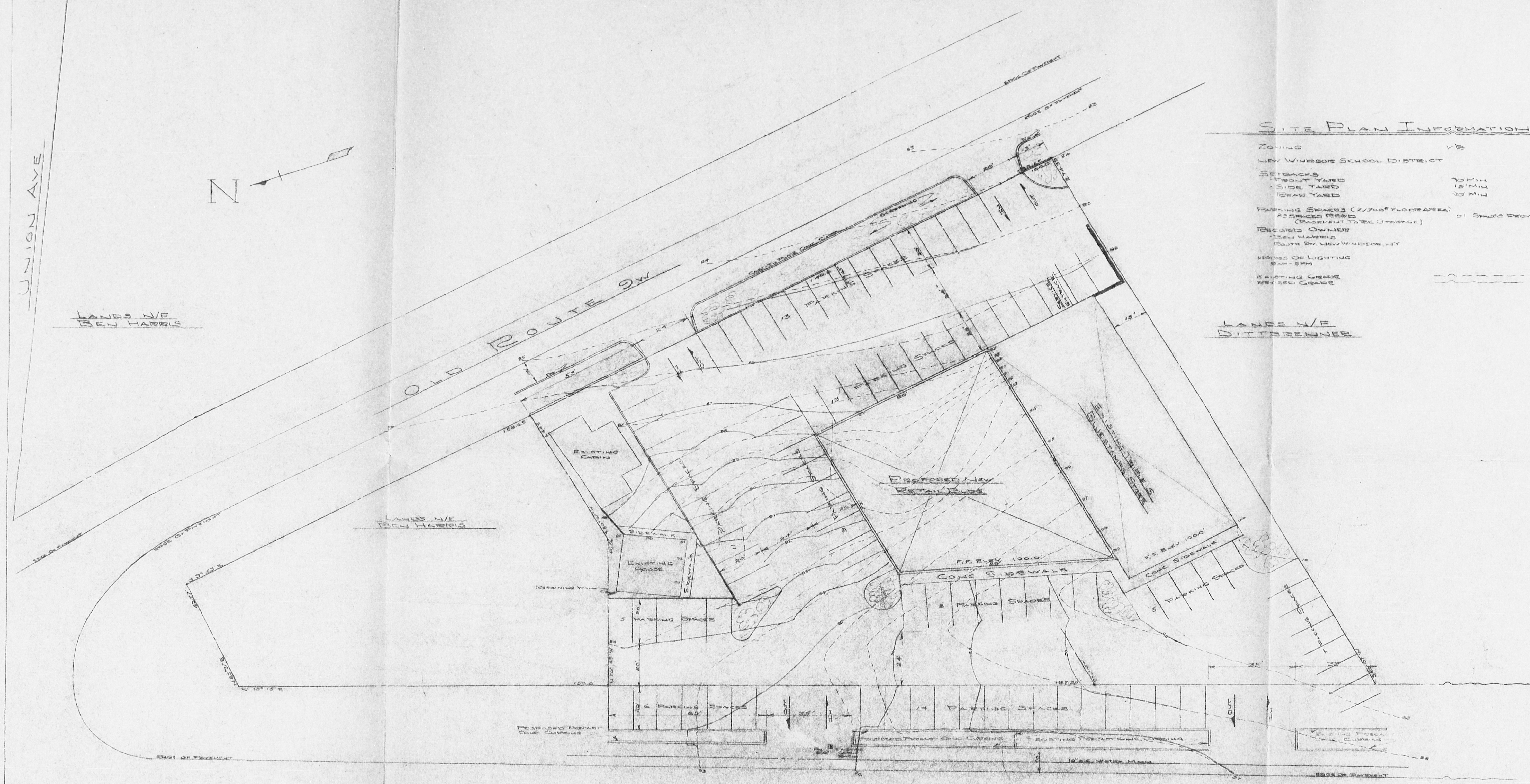
UNION AVE



LANDS N/E
BEN HARRIS

LANDS N/E
BEN HARRIS

SITE PLAN INFORMATION	
ZONING	VE
NEW WINDSOR SCHOOL DISTRICT	
SETBACKS	
FRONT YARD	10 MIN
SIDE YARD	15 MIN
REAR YARD	10 MIN
PARKING SPACES (2,700 SF FLOOR AREA)	51 SPACES PROVIDED
80 SPACES REQUIRED (CURRENT TO BE STORAGE)	
DEVELOPER	JOHN HARRIS
ROUTE ON NEW WINDSOR, NY	
HOURS OF LIGHTING	8 AM - 5 PM
EXISTING GRADE	-----
PROPOSED GRADE	~~~~~
LANDS N/E DITTBRENNER	



CENTER MALL

ROUTE 9W

S I T E P L A N

TO NEW YORK CITY

REVISED 1/25/74

SITE PLAN	2076
PROPOSED NEW BLDG	2075
FOR	
BEN HARRIS	8/1/73
DEVELOPER	AS SHOWN
GEORGE J. SHAW JR PE	1
177 LORRY ST	
NEW WINDSOR, NY	